

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY HART,

Plaintiff,

Case No. 16-10253

v.

HONORABLE DENISE PAGE HOOD

COUNTY OF HILLSDALE, et al.,

Defendants.

**ORDER REGARDING
PLAINTIFF'S EMERGENCY MOTION
TO AMEND/CORRECT AND FILE SECOND
AMENDED COMPLAINT, CORRECT SUMMONS
AND EXTEND SUMMONS [DKT. NO. 12]**

Plaintiff filed this civil rights action on January 25, 2016, naming as defendants the City of Hillsdale, the County of Hillsdale, a law firm, and many individuals. Plaintiff's action stems from allegedly being included on the Michigan Sex Offenders Registry ("SOR") for years after he should have been removed and for being wrongfully prosecuted for purported violations of SOR requirements. Plaintiff filed a first amended complaint on April 8, 2016 [Dkt. No. 7], and he represents that he has served all but two of the defendants.

Plaintiff recently filed a Motion to Amend/Correct and File Second Amended Complaint, Correct Summons and Extend Summons [Dkt. No. 12]. Plaintiff seeks to:

(1) correct the name of one defendant who refused service because her last name is incorrect, (2) modify several paragraphs to comport with that amendment, (3) correct “factual statements in the First Amended Complaint that require amendment,” and (4) extend the summons period, which will expire on April 26, 2016.

In reviewing Plaintiff’s Motion, the Court finds that Plaintiff failed to comply with the Eastern District of Michigan’s Local Rule that requires a party to seek concurrence of the opposing party(ies) before filing a motion. *See* L.R. 7.1(a). The purpose of Plaintiff’s Motion, an amendment that likely would be stipulated to by the other parties, exemplifies the very reason Local Rule 7.1(a) exists – to preclude needless motion practice. Accordingly, due to Plaintiff’s failure to comply with Local Rule 7.1(a), **IT IS ORDERED** that Plaintiff’s Motion is **DENIED WITHOUT PREJUDICE** with respect to Plaintiff’s request to correct/amend and file a Second Amended Complaint, except as expressly stated otherwise in the ensuing sentence.

In order that Plaintiff may serve Defendant Christine Wahtola (not Christine Wanda), **IT IS FURTHER ORDERED** that Plaintiff amend the caption of the First Amended Complaint to substitute “WAHTOLA” for “WANDA” and to substitute “WAHTOLA” for “WANDA” anywhere “WANDA” appears in the First Amended Complaint. **IT IS FURTHER ORDERED** that Plaintiff shall file the amended First Amended Complaint on or before April 26, 2016.

With respect to Plaintiff's request to correct and extend the summons period, no concurrence is necessary. In reviewing Plaintiff's Motion, the Court finds that Plaintiff has demonstrated good cause for correcting the summons and extending the summons period for 30 days. Accordingly, **IT IS FURTHER ORDERED** that Plaintiff's Motion is **GRANTED** with respect to Plaintiff's request to correct the summons and extend the summons period until May 26, 2016.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: April 25, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 25, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager